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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

10 DARYL DE KECZER, individually and on
behalf of all others similarly situated,

CASE NO. 5:12-cv-02409 EJD

11 Plaintiff(s),

**ORDER CLARIFYING REFERRAL TO
MEDIATION; SCHEDULING CASE
MANAGEMENT CONFERENCE**

12 v.

13 TETLEY USA INC.,

14 Defendant(s).

15 _____/

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17 On October 12, 2012, the court granted the parties' stipulation and referred this matter to
18 mediation pursuant to ADR Local Rule 6 to be completed within "90 days from the date the Court
19 rules on Defendant's dispositive motion to be filed." See Docket Item No. 34. The court ruled on
20 Defendant's dispositive motion on August 16, 2013. See Docket Item No. 47. It then denied the
21 parties' subsequent stipulation again selecting mediation on September 26, 2013. See Docket Item
22 No. 52.

23 Since the court had already referred this case to mediation, the court construed the parties'
24 second stipulation as simply a request to extend the deadline by which mediation must be
25 completed, and under that interpretation, denied the request for extension. The court did not intend
26 to disturb the prior order.

27 Accordingly, the court clarifies that the order referring this case to mediation filed October
28 12, 2012, remains in effect. As such, mediation should have been completed on or before November

1 14, 2013, which is 90 days from the date the court ruled on the dispositive motion. However, in
2 light of this clarification, the court extends the deadline to complete mediation to **December 20,**
3 **2013.**

4 In addition, the court schedules this case for a Case Management Conference on **November**
5 **22, 2013.** The parties shall file a Joint Case Management Statement which proposes, *inter alia*,
6 actual dates¹ for a case schedule on or before **November 15, 2013.**

7 **IT IS SO ORDERED.**

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9 Dated: October 9, 2013
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EDWARD J. DAVILA
United States District Judge

27 ¹ In other words, the parties should not simply propose that the court postpone setting case
28 management deadlines due to the pendency of a motion to dismiss. The court will set actual
deadlines, either way.